

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BRENT WARREN DANCE,
Plaintiff,

v.

SHELBY COUNTY, TEXAS, SHERIFF
WILLIS BLACKWELL, KEVIN
WINDHAM, RICHARD SIMS,
AND JOHN DOE JAILERS.
Defendants.

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CIVIL ACTION NO. 2:20-CV-273-JRG

ORDER ON DEFENDANT SHELBY COUNTY, TEXAS'
RULE 12(b)(6) MOTION TO DISMISS

ON THIS, the day of signing, came on to be considered Defendant Shelby County, Texas' Rule 12(b)(6) Motion to Plaintiff's Original Complaint. The Court, having considered the motion and any responses thereto, finds that it should be **GRANTED**.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Defendant Shelby County, Texas's Rule 12(b)(6) Motion to Plaintiff's Original Complaint is **GRANTED** as follows:

1. Plaintiff's claims based on the Eighth Amendment are DISMISSED.
2. Plaintiff's claims regarding improper hiring are DISMISSED.
3. Plaintiff's claims under the Texas Code of Criminal Procedure and Texas Penal Code are DISMISSED.
4. Plaintiff's state law intentional tort claims of assault, battery, intentional infliction of emotional distress and gross negligence are DISMISSED.

5. Plaintiff's exemplary damages claims, to the extent based on state law claims, are DISMISSED.